

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

HERBERT J. WILKINS and
HANNIBLE J. WALKER,

Plaintiffs,

v.

DAVID MAHONEY, et al.,

Defendants.

ORDER

Case No. 16-cv-376-wmc

Plaintiffs Herbert J. Wilkins and Hannible J. Walker, inmates in the custody of the Dane County Jail in Madison, Wisconsin, have submitted a proposed civil action under 42 U.S.C. § 1983. Plaintiff Walker has filed a trust fund account statement in support of his request for leave to proceed without prepaying the fee. After considering the motion and supporting documentation, the court concludes that plaintiff Walker qualifies for indigent status.

Even when an inmate litigant qualifies for indigent status, the litigant must pay a portion of the fee returned by the formula set forth in 28 U.S.C. § 1915(b)(1). Using information for the relevant time period from plaintiff Walker's trust fund account statement, I conclude his initial partial filing fee to be \$22.88. For this case to proceed, plaintiff Walker must submit this amount on or before July 1, 2016.

ORDER

IT IS ORDERED that,

1. Plaintiff Hannible J. Walker is assessed \$22.88 as an initial partial payment of the \$350.00 fee for filing this case. Plaintiff Walker is to submit a check or money order

made payable to the clerk of court in the amount of \$22.88 or advise the court in writing why plaintiff is not able to submit the assessed amount on or before July 1, 2016.

2. If, by July 1, 2016, plaintiff Walker fails to make the initial partial payment or show cause for failure to do so, he will be held to have withdrawn from this action voluntarily.

3. No further action will be taken in this case until the clerk's office receives plaintiff's initial partial filing fee as directed above and the court has screened the complaint as required by the Prisoner Litigation Reform Act, 28 U.S.C. § 1915A. Once the screening process is complete, a separate order will issue.

Entered this 9th day of June, 2016.

BY THE COURT:

/s/
PETER OPPENEER
Magistrate Judge